



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD MAY 26, 2004 - WEDNESDAY — 7:30 PM TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: APRIL 14, 2004

ANNUAL MOBILE HOME PARK REVIEW:

- a. SARIS MOBILE HOME PARK – UNION AVENUE

PUBLIC HEARINGS:

1. MS4 STORM WATER POLLUTION PLAN (HINES)

REGULAR ITEMS:

2. REAPPROVAL OF - JOCOSA, INC. (01-62) RIVER ROAD (AFFRON) Proposed used oil transfer station
3. MIDDLE EARTH SUBDIVISION (03-22) STATION ROAD (CLEARWATER) Proposed 27-lot residential subdivision.
4. MONDOME, INC. (04-10) MT. AIRY ROAD (SHAW) Proposed seasonal sports dome on existing golf course property.
5. 3062 RT. 9W (CENTRAL VALLEY REAL ESTATE) (04-11) RT. 9W (COPPOLA) Proposed two-story office building adjoining existing one-story office building formerly Ben Harris.
6. YWCA SPECIAL PERMIT (04-12) TEMPORARY TRAILER (DWEK) Proposed temporary trailer for summer camp use.

DISCUSSION

7. TEG FEDERAL CREDIT UNION (STEWART MALL) Change in use. (EDSALL & BABCOCK)
8. MT. AIRY ESTATES – TREES (BABCOCK)

ADJOURNMENT

(NEXT MEETING –JUNE 9, 2004)

May 26, 2004

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TOWN OF NEW WINDSOR

PLANNING BOARD

MAY 26, 2004

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JERRY ARGENIO
THOMAS KARNAVEZOS
NEIL SCHLESINGER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: JIM BRESNAN
MYRA MASON
ERIC MASON
RON LANDER

REGULAR MEETING

MR. PETRO: I'd like to call the May 26, 2004 Town of New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED: APRIL 14, 2004

MR. PETRO: Has everyone had a chance to read the

minutes dated April 24, 2004? And if so, I'll accept a motion to approve them.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes of that date. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

SARIS MOBILE HOME PARK

MR. PETRO: Mobile home park reviews, Saris Mobile Home Park. Someone here to represent this? Your name?

MR. SARIS: Craig Saris, S-A-R-I-S.

MR. PETRO: Mike, has someone from your department been to the site, have any objections or any outstanding problems?

MR. BABCOCK: Yes, we have, Mr. Chairman, actually can't read his writing.

MR. PETRO: Do you have a check made out for \$100 made out to the Town of New Windsor? Nothing your department can't handle.

MR. BABCOCK: Yes.

MR. PETRO: Motion for one year extension.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant Saris Mobile Home Park on Union Avenue one year extension. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PUBLIC HEARINGS:

MS4 STORM WATER POLLUTION PLAN

Mr. Pat Hines appeared before the board for this proposal.

MR. PETRO: MS4 Storm Water Pollution Plan represented by Pat Hines. This is a public hearing. Mark, why don't you bring us up to date on this first and we'll open it up to the public for any comment after Pat has spoken.

MR. EDSALL: It's basically an annual report public hearing for the storm water permit program administered by the New York State DEC. Pat Hines, an associate from our office is much more familiar with the program than I am so I'll turn it over to him.

MR. HINES: The Town obtained coverage for discharge from its storm water collection system last March. There is a requirement for submission of an annual report on the plan. The plan has six items that the Town needs to meet measurable goals and make steady progress towards over a five year permit term. First year of the permit is up. The annual report identifies has the Town met the goals and its schedule of implementation in the first year of the plan. It's been detailed on the spreadsheets provided by the DEC and an annual report. The six items are public education program, public participation and involvement, illicit discharge detection and elimination, construction site storm water runoff control, post-construction storm water management and pollution prevention/good housekeeping for municipal operation. There's also a section in the plan on funding of the program which to date has been 100 percent by the Town of New Windsor. New Windsor has indicated its intent to join a consortium of municipalities with the Orange County Water Authority

being the lead agency for funding of various portions of the program. With that, the report's been on file with the Town Clerk's office for approximately two weeks and we're here to accept any public comment or participation in the plan.

MR. ARGENIO: Was this in the paper, Mark?

MR. EDSALL: It was on May 11, I believe it was.

MR. HINES: Yes, there is not a requirement that the notice be published but our office and the towns we work for felt that it would be good to publish a legal notice for public comment, it's not a legal public hearing per se but we did publish it.

MR. PETRO: May 14 in The Sentinel.

MR. HINES: I believe it was twice in The Sentinel.

MR. PETRO: Attached notice of public hearing had been made public as was just stated so at this time, I will entertain, open it to the public. Anyone here who'd like to speak for this, for or against or make any comment on this public hearing for the MS4 Storm Water Pollution Plan? Anyone here?

MR. STITLE: Bill Stittle, I have one question, Pat, one of my concerns relates to protection of the reservoirs, I know it's not directly related to your annual report, I've seen instances where the Mt. Airy Estates reserve development has every appearance of causing contravention of water quality standards in Silver Spring Reservoir, just wondered whether the Town is actively trying to protect that water supply and how this plan might address the problems that have occurred on that site?

MR. HINES: There's several portions of the plan that require the Town, specifically the illicit discharge

detection and elimination and construction site runoff and post-construction runoff requires implementation of a local ordinance to allow enforcement capabilities of a local level rather than relying on state agencies to enforce those. The Town has drafted the local law for storm water management incorporating illicit detection and elimination basically mirroring the DEC requirements. But one of the unique things provides local enforcement where the Town will have capabilities to react to situations such as the ones you mentioned rather than relying on outside agencies. That law has been drafted, the Town Board has reviewed it, the Town attorney has provided input. There's going to be a public hearing on that ordinance in the near future heading towards adoption but that's one of the requirements of the plan.

MR. STITLE: Thanks Pat.

MR. PETRO: Anybody else? Entertain a motion to close the public hearing.

MR. ARGENIO: Make the motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing on the MS4 Storm Water Pollution Plan. Any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I will open it back up to the board for any further comment. Mark, where do you want

to go from here? Basically, we've had the public hearing.

MR. EDSALL: We'll move forward on the local law adoption, it will give us a better avenue to enforce some of the regulations. We've had problems with Mt. Airy and as of this date it's been turned back over to DEC, I believe they've had four revisions to their storm water management plan and they do as Mr. Stitle indicated they have had their problems and we have in fact called DEC several times, so this will give us another mechanism for enforcement.

MR. PETRO: Thank you for representing it.

MR. HINES: Thank you for allowing us.

REGULAR ITEMS:

REAPPROVAL OF JOCOSA, INC. (01-62)

Mr. Steve Affron appeared before the board for this proposal.

MR. PETRO: The board previously held a public hearing in April, 2002, assume the position of lead agency and a negative dec for the application. The application received conditional approval on 4/24/02 which has since expired. You have been seeking approval from the New York State DEC for the facility.

MR. AFFRON: Correct.

MR. PETRO: It's taken a little longer than you had hoped, therefore the expiration you just want to get a re-approval?

MR. AFFRON: Exactly.

MR. ARGENIO: Anything changed in the plan?

MR. AFFRON: Not any major differences. There's now a fence, 187 foot of fence, spill prevention plan, it was very thorough, the DEC is--

MR. PETRO: Mark, this is very procedural, correct? We're here procedurally to just get a reapproval?

MR. EDSALL: I would say and I think step wise you should at least discuss whether or not you feel you need to have a new public hearing. My suggestion would be that you don't because it is virtually identical to the other plan with just the minor changes that DEC required.

MR. BABCOCK: Why are we getting new plans tonight? We know we're getting new plans tonight.

MR. EDSALL: Yes, I looked at the plans, I had a copy, I just asked him to run copies for the board to look at.

MR. ARGENIO: So you reviewed them?

MR. EDSALL: Yes, where he discussed it at the workshop, I had a full set of plans which outlined many of the construction features.

MR. PETRO: We'll go through the entire process here anyway just to bring it up to be current. So entertain a motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Jocosa site plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: As far as public hearing goes, I would agree with Mr. Edsall, I think the plan has changed in such a minor fashion that it's not necessary to have another public hearing so I'll entertain a motion to waive the public hearing.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Jocosa site plan on River Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Entertain a motion for negative dec.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec under the SEQRA process for the Jocosa site plan on River Road. Any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Planning board should require that a bond estimate be submitted for the site plan in accordance with Chapter 19 of the Town Code. You understand that's the same as it would be last time?

MR. AFFRON: Certainly.

MR. EDSALL: The only other thing I don't know that we

have a copy of the actual permit or approval letter so that should be on file with Myra before--

MR. AFFRON: From DEC?

MR. EDSALL: --before the plan's stamped.

MR. AFFRON: I don't have it, it's--

MR. EDSALL: Before the plan is stamped.

MR. AFFRON: Okay.

MR. PETRO: Motion for final approval.

MR. ARGENIO: Make the motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final re-approval to the Jocosia site plan on River Road, of course subject to our having a copy of the DEC--any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Thank you for coming in.

MIDDLE EARTH SUBDIVISION (03-22)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. PETRO: Proposed 27 lot residential subdivision. This application proposes subdivision of 96 acre parcel into 26 single family lots. Plan was previously reviewed at the 23 July, 2003, 25 February, 2004 and 14 April, 2004 planning board meetings. R-1 zone, required bulk information on the plan is correct for the zone and use. Plans have been revised per our previous comments, discussions at work sessions. Sidewalks are now depicted on the plans one side of each road, we have asked that of the applicant, glad to see it's there. Records do not reflect resubmittal of the revised storm water pollution prevention plan, has that happened?

MR. CLEARWATER: Yeah, we did send that in.

MR. PETRO: Did you get it, Mark?

MR. EDSALL: I believe Jim sent a letter just responding, I don't know that we got a report, I think it was just a transmittal letter that outlined some responses, really need to get a regular report on file that deals with storm water management.

MR. CLEARWATER: He responded to your comments.

MR. EDSALL: Just a revised report so that when it's finally accepted, there's something that the public comes in, they can look at one document, just have that available for the public hearing.

MR. CLEARWATER: Okay.

MR. PETRO: We have a disapproval from the fire inspector, do you have any reason, Mark, do you know

about this?

MR. EDSALL: No, it was--

MR. BABCOCK: Did you meet with him?

MR. CLEARWATER: Yeah, he gave us the lot number, 911 numbers and we've got the road names approved, he sent me a plan with the marked up 911 numbers.

MR. PETRO: Well, we can straighten that out because we're not going to get an approval tonight anyway. Report signed by a professional engineer to be on file for public review, storm water prevention plan before a public hearing is held. So get that prepared, if we can have that set up, this will be posted outside on the bulletin board the week of the public hearing and it would be good to have the plan also posted with this.

MR. CLEARWATER: Storm water pollution prevention plan?

MR. PETRO: Right, is that what you're saying?

MR. EDSALL: Right, I think when it comes time for the public hearing, I'd like to have the plans on that report available for review.

MR. CLEARWATER: Okay.

MR. PETRO: Restrictive covenants for the lots with the restrictions for the conservation easement for lots 105 is still under review. It is still our understanding that the outside agency permits and approvals include Orange County DOH Realty Subdivision approval, a SPDES general permit for storm water discharges and construction activities and a possible 401 water quality certification required pending ACOE determination. So we're still looking for outside agencies to respond. Board should require applicant--

MR. EDSALL: I don't think that's, you can skip that one.

MR. PETRO: Omit that?

MR. EDSALL: Yeah, omit 3. There's one of the comments I had, Jim, was relative to the new ordinance that was just adopted by the Town for the subdivision regulations, they include a definitive list of elements and information that must be on a preliminary plan for the public hearing so I'm just asking that as I will be checking the plans for content that they make sure the once they submit, they check that list before they submit it.

MR. PETRO: Is this a new packet?

MR. EDSALL: No, Myra and I discussed that we need to update the application package because the subdivision regulations have changed and there's a long list now defining what's part of a major subdivision preliminary package.

MR. ARGENIO: And this plan is not in compliance with that now?

MR. EDSALL: I'm just saying doublecheck, I'm asking them to doublecheck, I'm going to do the same, we're all dealing with a regulation that's very new.

MR. PETRO: Highway is still under review.

MR. BABCOCK: Did you meet with them?

MR. CLEARWATER: Couple times, he promised me a letter at least twice and he didn't have a problem with it, he did give me a letter.

MR. PETRO: What's the date of this, 4/12?

MR. KARTIGANER: That was previous to the last time we were coming to you.

MR. PETRO: It's not going to hold us up tonight but I think why don't you try one more time, if you have a problem, call me directly, my number is 565-0769 and I will ask Mr. Kroll myself because from 4/12 to now we should have some sort of response. Okay?

MR. KARTIGANER: We met with him several times.

MR. PETRO: If you have a problem--

MR. BABCOCK: We may have that, as you can see, Myra's not here tonight, I'm trying my best here.

MR. PETRO: It's not holding us up, it's not going to change anything for tonight but I want to know what's going on over there.

MR. CLEARWATER: We sent in a Phase 1-A.

MR. KARTIGANER: It wasn't completed but it was from the archeologist who basically said he doesn't expect any impact based upon Phase 1-A and Phase 2-B and he's completing the report now which will be sent to SHIPO.

MR. PETRO: Anything else about the plan you want to tell us, update, nothing that we've already seen? Is there anything that's changed, anything different from two weeks ago?

MR. CLEARWATER: No, you mentioned sidewalks which are on, I also put street lights on that were asked of us at the three intersections, the two intersections on Station Road, an intersection in the back here and then a light midway down each road and one at the cul-de-sac, those are on also.

MR. PETRO: All right, seems like the plan is in better shape than the response from outside agencies, so we're just basically waiting to get everything in order.

MR. KRIEGER: With respect to the restrictive covenants and the covenants, that conservation easement, I'm somewhat confused as to what the board wants in that regard.

MR. PETRO: Mark?

MR. EDSALL: My understanding is that there's, the applicant is proposing a restrictive covenant along Station Road to prohibit any development of that area or any accesses through that area. I don't know that there's any other specific requirements the board has put forth but if that's what we're trying to do, eliminate the possibility of clearing but allow them if there's a diseased or dead tree to remove it.

MR. KARTIGANER: They'll have that. The only thing we want to do is stop any residential construction up to the top of the ridge, if you drive along Station Road the 200 feet just about gets to the top of the ridge, therefore, it will keep it pretty much free in the image of development, that's what we're trying to maintain.

MR. KRIEGER: The reason I ask is the terms restrictive covenant and easements are sometimes used apparently interchangeably and lumped together and while I understand the requirements of the board's wish for a restrictive covenant and the developer's expression of what he wants seems to fit within the restrictive covenant as well, I'm unclear as to what the board wants in terms of an easement, to whom this easement is supposed to run in favor.

MR. PETRO: Maybe easement isn't the right word. Why don't, you heard what Mark said, and I'm not ignoring

you, Andy, I can't turn good over there, I guess I can go like this.

MR. KRIEGER: Don't worry about it, I'll deem you turned.

MR. ARGENIO: He'll give you a pain in the neck.

MR. PETRO: He's a pain in the neck tonight. Get together with Mark and write up what he needs for this number there.

MR. ARGENIO: The intent is that there's no structures or driveways in that area depicted on the plan?

MR. EDSALL: The only encroachment that I believe we have acknowledged that because of the grading conditions of lot 5, the drive does have that minor encroachment, that's the only one that we have pretty much agreed they want to have permitted.

MR. PETRO: I don't think we can do anything else, we just went through all kinds of things here so what else would you ask of the board, anything?

MR. CLEARWATER: Well, we want to schedule a public hearing.

MR. PETRO: We can schedule the public hearing, we can authorize the public hearing. We didn't do that last time?

MR. CLEARWATER: No.

MR. PETRO: We wanted to get the plan forward but you need to have the other part missing with the storm water so in other words if we authorize a public hearing, don't set your plan up without having the other part that we're talking about.

MR. CLEARWATER: Of course.

MR. PETRO: You have to be prepared, bring the whole thing in at one time.

MR. EDSALL: We can verify that they've got the reports done, they just have to update it and secondly, we have to make sure the plan that's what's required in the new subdivision regulations that you want to authorize it.

MR. PETRO: Motion to have a public hearing for the Middle Earth subdivision on Station Road.

MR. ARGENIO: I'll make the motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board have a public hearing for the Middle Earth subdivision on Station Road. Any further discussion from any of the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Get together with Mr. Kroll and fire department, try and get those approvals.

MR. CLEARWATER: Fire should be fine because he sent me the plan all marked up the way he wanted it.

MR. PETRO: Like Mike says, that can be sitting on Myra's desk.

MR. BABCOCK: 5/19 is my last printout, if we have

something after that, I don't have it with me tonight.

MR. PETRO: For the public hearing, try to have both of them including Mr. Kroll, if you have a problem with him, get in touch with me so we can try and work it out before the public hearing. Thank you.

MONDOME, INC. (04-10)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Application at this meeting is for review and referral to the Zoning Board of Appeals. The property is an R-1 zoning district of the Town, use expansion recreation facility subject to 300-19 which frankly means it's a permitted use in the zone. The variance is as follows, why don't you go over those, Greg?

MR. SHAW: Very simply, we need two variances from this board, one is for a--we need a referral to the Zoning Board of Appeals for two variances, one is for a side yard setback, we're required to provide 50 feet, we're providing 40 feet, so we need a 10 foot side yard setback. And the reason for that is that the property is uniquely situated between the golf hole on the easterly side, the driving range on the southerly side and the cart path to the first tee which is on the westerly side. For that reason, we would need a side yard setback of 10 feet. Additionally, I think this is where the board would be interested, the parking variance, your zoning ordinance requires us to provide one space for every 150 square foot of gross floor area which would be applicable to the retail golf shop that's 10 spaces and also 4 spaces per acre for a recreational facility at 33 acres, we're obligated to provide 133 spaces for the recreational facility for total of 143. What we're providing are a total of 67 spaces, there will be 39 spaces which will have a macadam surface and let's call that permanent parking and on the easterly side of the property, there will be overflow parking as suggested by your consulting engineer for a total of 28 spaces. The operation of the seasonal dome would be just the opposite of the golf course, the golf course would be in operation from let's say April 1 to the end of October, the soccer

season picks up probably in the middle part of November and runs through the winter and ends in about the month of February, so the parking would be used for both, both for golfers during the summer and when the dome is done and then the dome would be put back in the late fall and that parking would be used by people using the soccer facility. So we need a referral to the Zoning Board of Appeals and maybe this is the proper place to discuss whether this board feels this number of spaces is adequate for this facility which we believe it is because he wouldn't want to get a variance for a specific number and come back to this board and feel that you don't feel that the number is appropriate.

MR. ARGENIO: Greg, are you implying that the recreational facilities underneath the dome will not be in use in the summer months?

MR. SHAW: Correct, there will be no dome during the summer months.

MR. ARGENIO: I understand that part, the dome is covering recreational facilities, will they be in use during the summer months?

MR. SHAW: No, will not be.

MR. SCHLESINGER: What's the dome, picture a dome as a permanent structure?

MR. SHAW: It's an inflatable dome.

MR. ARGENIO: Like 9W tennis has.

MR. SCHLESINGER: Why would you want to take it down during the summer?

MR. ALVA: The humidity is so bad inside the dome.

MR. SCHLESINGER: Why wouldn't you want to use it

during the summertime?

MR. ALVA: Same reason why Sportsplex doesn't use it, the humidity inside the thing is so bad.

MR. SCHLESINGER: You're taking the dome down so now you have a field?

MR. EDSALL: To be honest with you, the size of the field that's under the dome is so small that teams don't use that in the winter, don't use it in the summer, in the winter they need a place to practice so there's a demand, in the summertime, you go out on normal fields.

MR. SCHLESINGER: My next question is if you were to put up an open-sided pole building with a fixed roof, that's considered a building, is that correct?

MR. EDSALL: Yeah.

MR. SCHLESINGER: Now is this under that same heading?

MR. BABCOCK: Sure, it's a structure.

MR. SCHLESINGER: It's not permanent though.

MR. BABCOCK: Doesn't matter.

MR. SCHLESINGER: Even though it can be taken down?

MR. EDSALL: I just want to jump in on one additional variance that I want them to ask for, they need it while they're at the ZBA, the Section 300-19, which is the recreational facility section requires that any building provided under that section of the code be permanent. Now I don't know what the definition of permanent is anything can be taken apart and put back together, including accessory buildings if you care to. So I need to you ask the question, say that this is not

an uncommon situation, in fact, there are other buildings in the Town that are similar and just let them make a decision if you do or do not need a variance. I don't want to have you make two trips for unnecessary reasons. The second issue that we should let the zoning board know about is that really the parking variance is one that they could decide that they do or don't believe you need because the acreage is there already, the recreational facilities are there already. It's not as if it's based on square footage of something new, it's based on the existing site. So you have effectively an existing condition with a shortage, in fact, it's a positive thing that they're adding more parking so they're working with us, and the acreage is not changing, therefore you may not need a variance.

MR. BABCOCK: What about the section of the code where you can share parking, he doesn't meet that here?

MR. EDSALL: Well, the bottom line is that he's effectively saying that because he's well below the required parking but he doesn't meet it in the winter or the summer but he has the same situation right now as we speak.

MR. PETRO: I think Greg has done a good job here breaking it down, he's got it done well as he usually does, let him get this variance if they're happy with it and if they get it and it works, good. I'll entertain a motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Mondome, Inc. site plan on Mt. Airy Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Just a couple small comments, Greg, before we send you away, per the new code requirements, a sign is required in front of the cross-hatched access lane of the handicapped parking space. Sign must read no parking any time and the outlet storm water piping should have a rip-rap apron to prevent erosion.

MR. SHAW: Absolutely.

MR. PETRO: And with the number of hours that Mr. Alva spends on the excavator he can probably get that done in no time at all.

MR. EDSALL: I think Mr. Shaw has asked if the board believes the number of spaces they're proposing to add to the site are reasonable and in the Planning Board's opinion I can tell that you, they have been cooperative and added the overflow parking based on the suggestions.

MR. PETRO: I thought it was reasonable, I thought the whole thing's set up nice.

MR. ARGENIO: Looking for an affirmative recommendation? There it is.

MR. SHAW: Thank you.

MR. PETRO: Motion for final approval.

MR. ARGENIO: Make the motion for final approval.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Mondome, Inc. site plan on Mt. Airy Road. Any further comments from anybody? If not, roll call.

ROLL CALL

MR. SCHLESINGER	NO
MR. KARNAVEZOS	NO
MR. ARGONIO	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for the necessary variances. If you receive those variances, place them on the plan and if you wish to reappear before this board again for further review, you may do so.

3062 RT. 9W (CENTRAL VALLEY REAL ESTATE) (04-11)

Mr. Anthony Coppola and Mr. Nick Cardaropoli appeared before the board for this proposal.

MR. PETRO: This is not the hole, this is the other thing that we worked on but didn't we do this years ago?

MR. COPPOLA: Yes. I'll begin with that, this a very, very similar plan, site plan was approved probably was over five years ago by this planning board and the similarities basically are a new office expansion to existing one story office building where Ben Harris Real Estate used to be, which is kind of a cape style house.

MR. PETRO: Existing is the Chess Federation?

MR. COPPOLA: Well, the Chess Federation is here, that's not our property. On the other adjacent parcel is the long rectangular property that we're going, the facade renovation on that is all the way to the corner, but our parcel's right in the middle of the two, there's two buildings build goes exist on this parcel now, one is the office building, when you say very small cape house that fronts on 9W, the second building is a four dwelling unit which the building which is on the back side of the property. So really one of our fundamental differences between this proposal and the last one that was approved is what we're proposing to do now is to completely, demolish those four dwelling units which are a non-conforming use and really just discontinue that use entirely. Part of the reasoning there was one for such a small building it took up 8 parking spaces but we felt that really this would be a better use to do something different there and bring the whole property up to a conforming use.

MR. PETRO: Where is the building you're knocking down,

show me that?

MR. COPPOLA: That's this footprint here, taking down those cabins in the back of the building that the Town didn't like. So what we're proposing there is to demolish that entirely down to the footings and the foundation wall and reconstruct a new building in the same footprint but for an office warehouse or office, contractor's office use.

MR. PETRO: Which is a conforming use?

MR. COPPOLA: Right, we'd probably put an overhead door there which would be adjacent to the lower parking lot and one small office in there. It's non-conforming in terms of the setbacks but I guess that's one of the things we're looking at tonight is what we would be required to do for that. And then the front building is basically a large expansion addition to that existing office building and that's two stores and that's a total of it says 1,900 square feet but that's per floor so that's a total of 3,800 square feet there. And that fronts 9W. There's 16 parking spaces up on top and then the bottom parking lot is 17 parking spaces so that essentially equals out top and bottom.

MR. PETRO: Anthony, did you get a copy of Mark's comments?

MR. COPPOLA: Just right now. So that's our proposal, new office building, contractor's office in the rear, parking lot above and below, the rest of the features, the drainage features, the landscaping, the connecting parking lot, those are the same as the original site plan, even though that was years ago.

MR. CARDAROPOLI: We have to clean up this side before we can start over here because this needed a lot of work so if you drive by, you'll see this building looks like a new building. It's been all done over and the

cabins have always been a sore spot with New Windsor because they're non-conforming so we'll take them down even though they were cash cows.

MR. PETRO: I know that you will do a fine job. The planning board may wish to assume the position of lead agency, entertain a motion.

MR. ARGENIO: Make a motion we take lead agency.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Central Valley Real Estate on 9W application. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Anything from fire or highway on this? Anthony, there's a lot of bullets on Mark's comments, we're not going to go over them all, you'll cover whatever he's asking put on the next set of plans, preliminarily this looks fine, I don't really foresee any problems.

MR. COPPOLA: Yeah, we'll make those corrections, go to a workshop and go from there. Planning board may wish to authorize issuance of a lead agency coordination letter for the project to begin a SEQRA review process. Applicant should submit six sets of drawings for this purpose.

MR. EDSALL: Send it DOT I believe is the only involved

agency.

MR. PETRO: Now, are you changing any of the curb cuts at all, doing anything?

MR. COPPOLA: The one here, yes, you can see there's outline of some demo cause it's like an angular access so yeah and that's all in their right-of-way.

MR. PETRO: So we're going to need the permit and the whole thing.

MR. BABCOCK: Why are you changing it?

MR. PETRO: Flow of traffic.

MR. COPPOLA: It's a directional, it's a directional access right now so we're making it two way right there.

MR. BABCOCK: It's too bad you have to change it.

MR. COPPOLA: There's so much land that if you look at the lot line its way in, we're going to be doing the work in the right-of-way almost irregardless.

MR. PETRO: We had that down at the Orange Boat Sales when I did it, I think it was 45 feet from the center line, the property went way over so whatever we did even just grading and stuff, it was a natural, I had to get a permit. Okay, anyway, submittal of this application and plan to New York State DOT will be necessary. Any of the board members have any other comment? I think it's pretty forward. I kind of like the idea they're taking down the cabins, making a conforming use, I think if you clean up a lot of Mark's comments here, get that lead agency coordination letter sent out so 30 days passed just in case we want to be set up for a public hearing, we can get that done, I'm not sure that we will or we won't, we'll cross that

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bridge, get them out anyway and I think it looks fine.

MR. COPPPOLA: Thank you very much.

YWCA SPECIAL PERMIT (04-12)

Mr. Steve Dwek appeared before the board for this proposal.

MR. PETRO: Proposed trailer 64 feet by 14 feet in size, trailer will be set 25 feet off the existing building. The proposed location is in the rear of the site, will not be visible from Union Avenue and is tucked into the corner of the existing rear building line. Trailer is permitted as a special permit with the maximum duration of six months as a special permit by the planning board which will trigger a public hearing. What's the use of this trailer and why do you want it and what's going on here?

MR. DWEK: We'd like to expand our summer camp and do that with that, we need more space.

MR. PETRO: What's the trailer going to do?

MR. DWEK: Actually going to house the teen program so the teens are going to stay there.

MR. PETRO: And do what?

MR. DWEK: Arts and crafts there.

MR. PETRO: Classroom?

MR. DWEK: Classroom types of stuff, yeah.

MR. SCHLESINGER: Has to have bathroom facilities?

MR. DWEK: It actually does have bathroom facilities.

MR. SCHLESINGER: Self-contained.

MR. BABCOCK: They're going to hook into the sewer.

MR. PETRO: Through a cleanout somewhere?

MR. BABCOCK: Yes.

MR. PETRO: You realize it's for six months?

MR. DWEK: Correct, yeah, and we're working on some kind of more permanent solution for next summer.

MR. PETRO: Well, you have a lot of land. How many acres is down there?

MR. DWEK: Almost six.

MR. BABCOCK: To keep their program running that we have right now, they need this to do that or if we have suggested that they put up a building too, they said they just don't have time.

MR. PETRO: Still for sale?

MR. DWEK: Yes, it is.

MR. PETRO: How are you going to access the trailer, sidewalks, and how are you going to get to it?

MR. DWEK: If you look here, the metal frame portion of the building, there's two doors that come off what currently is our fitness center and go out there actually two doors that you can enter the trailer.

MR. PETRO: You're going to walk across grass to get to it or sidewalk?

MR. DWEK: There's a concrete sort of stoop and then grass.

MR. PETRO: Does this trailer need to be handicapped accessible for a temporary trailer or not, not on a temporary basis, I mean, I'm a handicapped student or

handicapped teacher and I have to go there and go to work, I can't get in there, is that a problem?

MR. KRIEGER: Should be handicapped accessible, yes, it should be.

MR. PETRO: What do you know about that?

MR. DWEK: This is the first I've heard of it but I can certainly--

MR. PETRO: Mark, do you have any other comment?

MR. EDSALL: I mentioned at the workshop and was waiting to discuss with Mike and I had mentioned at the workshop that if they had to, they could build a temporary ramp, wooden ramps to the trailer.

MR. PETRO: Do they have to or not?

MR. EDSALL: I believe they would have to unless the identical service was provided in an area that was handicapped accessible.

MR. PETRO: In other words, two of the same classes you don't have to go to that one, go to that one.

MR. BABCOCK: If you build a ramp, you'll end the sidewalk problem, start the ramp right at the building, start going right up to the unit.

MR. PETRO: I think we need to show that we're going to schedule a public hearing. You're going to be back here again, on your next plan, I would show a little sidewalk coming from the doors, you said you'd show also as a handicapped accessible ramp and I would show it on the plan because it is a public hearing that you'd be attending. I would also make the plan a little larger, if you could.

MR. EDSALL: Actually, Mr. Chairman, that's the full size plan but because of some copy problems they turned in.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency under the SEQRA process for the YWCA temporary site plan and special use permit. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for a public hearing.

MR. KARNAVEZOS: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing for the YWCA temporary site plan special use permit. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

MR. PETRO

AYE

MR. PETRO: Okay, you can get together with Myra when she gets back, she'll give you all the information to get the public hearing going. I would suggest on your part that you also if you're in a hurry to do this contact the fire department, give him your plan after it's revised and get some sort of comment back from him so I have an approval to read in, otherwise, we'll be held up and show the sidewalk and some lighting, probably show some lighting at the sidewalk and how you're going to light up the area a little bit, even if it's wall packs on the new trailer, whatever you're going to have there.

MR. DWEK: It won't be for nighttime use.

MR. PETRO: Well--

MR. BABCOCK: Still have to have lights.

MR. EDSALL: You can have it on the trailer.

MR. PETRO: Just show how you're going to light it up.

DISCUSSION

TEG FEDERAL CREDIT UNION (STEWART MALL)

MR. PETRO: Says here Edsall and Babcock.

MR. EDSALL: Very quickly, the Stewart Mall I guess it's called, Mike, over on 207, the building all the way to the left, the corner all the way forward is currently retail and the TEG Federal Credit Union is proposing to change from retail to a bank. They're proposing no outside changes, the parking requirements are less for a bank, Mike and I have looked at it, we don't believe there are any planning board issues other than acknowledging the change in use and they'll have to apply.

MR. PETRO: I heard that, I don't know where it came from, drive-through window?

MR. EDSALL: We'll talk about the drive-through next.

MR. PETRO: That's a problem.

MR. EDSALL: So for the change in use interior if we can just get a concurrence that if they do nothing inside and just interior it's not an issue.

MR. PETRO: It's not an issue.

MR. EDSALL: Second shoe dropping is that they asked about the drive-through, I went over the plans with them, a site plan and in fact, there is not adequate property behind the building to allow for two-way traffic. There are circulation issues on the plan. I told them that that's a whole different ball game. We would likely have concerns. And secondly, I told them I don't know who put all the pavement behind that building but it appears that you're on the state property, so I said well, he said well, there's plenty

of pavement, I said the board can't authorize you to trespass. So I left it with them that that's definitely a problem. And so I've told them that I saw some serious problems with that and I advised Mike so I've told them that it was likely that the board could authorize them to proceed with the change in use but they have to realize they can't come back and flippantly say we want the drive-through now, it just doesn't work.

MR. PETRO: Absolutely no on the drive-through. If anybody else wants to argue or change, I have spoken with whoever these people were, I can't remember who approached me, it was obvious they couldn't have it, wasn't even a matter of the question, then they went to Mike. Neil, did you talk to somebody?

MR. SCHLESINGER: Who owns the property? It was just recently bought, I think the guy who's managing the property may have mentioned something to me at the deli cause off the cuff, he mentioned it to me that they were making it to a credit union and they wanted to put a drive-through window on the back side but I think there may be access for one car.

MR. EDSALL: He's got a lot of pavement, unfortunately, it's not on their property.

MR. ARGENIO: Where's the point of discussion relative to the drive-through, is there any?

MR. PETRO: No, you can't have one.

MR. EDSALL: They asked as many people as possible hoping somebody would say yes.

MR. ARGENIO: That's the impression I got.

MR. PETRO: If they actually generated a new site plan and came in here with the best Greg Shaws that you can

get, you cannot physically demonstrate how it would work, it would not work.

MR. BABCOCK: On their own property it would not work.

MR. PETRO: Correct, so the answer is no but the first part was yes. So we're all on the same page?

MR. ARGENIO: I agree.

ENAP

MR. BABCOCK: Is everybody familiar with the glass building, ENAP behind there, there's a smaller building, what they call the ENAP building, they're in need of some extra parking and this is their site plan approval that shows a driveway, they'd like to take the curb out and expand the parking spaces and put in extra parking, put in two more handicapped spaces, I don't want to punish somebody for putting in extra parking.

MR. PETRO: That means you can take care of it.

MR. SCHLESINGER: Why do they need extra parking?

MR. BABCOCK: They don't have enough.

MR. SCHLESINGER: The zoning is all correct?

MR. BABCOCK: Zoning is fine but they don't have enough.

MR. PETRO: Good job, Mike. Motion to adjourn?

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

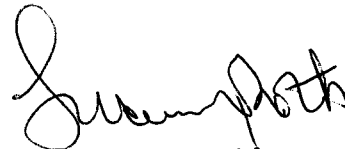
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MR. PETRO

AYE

Respectfully Submitted By:

A handwritten signature in cursive script, appearing to read "Frances Roth".

Frances Roth
Stenographer

6/7/04